

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LINDA McCORMICK,

Plaintiff,

v.

Case No. 08-CV-10075

ROBERT BRZEZINSKI, et al.,

Defendants.

QUALIFIED PROTECTIVE ORDER

Pursuant to the court's "Opinion and Order Denying Plaintiff's Motion . . ." and the Health Insurance Portability and Accountability Act ("HIPAA"), 42 U.S.C. § 1320d, *et seq.*, the regulations promulgated thereunder, 45 C.F.R. §§ 160, 164, *et seq.*,

IT IS ORDERED that this court authorizes the disclosure and sharing of Plaintiff Linda McCormick's "protected health information." 45 C.F.R. § 164.512. Plaintiff's health care providers, including, but not limited to, examining, testing, and/or treating doctors and other medical personnel may provide copies of Plaintiff's medical records which are relevant to physical and emotional medical damages claimed by Plaintiff in this lawsuit to counsel for Defendants, and to discuss with counsel for Defendants Plaintiff's medical conditions, including past, present, and future treatment relevant to this suit.

IT IS FURTHER ORDERED that this order does not compel any health care provider to participate in an interview or meeting against his or her wishes, nor may the meeting occur outside the presence of the health care provider's attorney, should he or

she wish an attorney to be present. The meeting or interview is not at the request of Plaintiff Linda McCormick; however, Plaintiff is on notice of the existence of this order.

IT IS FURTHER ORDERED that all covered entities under HIPAA, including, but not limited to, Plaintiff Linda McCormick's health care providers, examining, testing and/or treating doctors, and other medical personnel are authorized and permitted to disclose and/or share Plaintiff's personal health information relevant to this suit to Defendants' counsel or their agents. Plaintiff's personal health information may be provided orally in discussions, or in written, visual, or other recorded form. Consent and/or notice to Linda McCormick is not required prior to the disclosure of this information.

IT IS FURTHER ORDERED that Defendants' counsel is prohibited from using or disclosing the protected health information for any purpose other than this action, *McCormick v. Robert Brzezinski, et al.*, Case Number 08-10075. Upon resolution of this action, Defendants' counsel shall destroy or return the information to the health care provider (including copies made) of any written or otherwise recorded protected health information.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: November 18, 2008

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, November 18, 2008, by electronic and/or ordinary mail.

s/Lisa G. Wagner

Case Manager and Deputy Clerk
(313) 234-5522